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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,382	02/16/2001	Magaly Correa	888	2389

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EXAMINER
O MALLEY, KATHRYN S

ART UNIT	PAPER NUMBER
3749	

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/785,382	CORREA ET AL.
	Examiner	Art Unit
	Kathryn S. O'Malley	3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 July 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 12-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This action is in response to the Amendment filed 15 August 2002 canceling claim 11; amending claims 7 and 15; and adding new claims 16 and 17.

Response to Arguments

2. Applicant's arguments in said Amendment have been fully considered but they are not persuasive.

3. Applicant argues on page 7 of said Amendment that the head taught by Vallis is not angularly disposed, thereby rendering the rejection of claims 1 and 3-5 under 35 U.S.C. 102(b) improper. Examiner respectfully disagrees. The head of Vallis's hairdryer is disposed at a 90-degree angle from the centerline of the hair dryer. Absent a further definition of the phrase "angularly disposed", Examiner determines that this meets the claimed limitation.

4. Applicant argues on page 7 of said Amendment that Weiss does not teach a power cord and a hook as integral components, thereby rendering the rejection of claim 2 under 35 U.S.C. 103(a) improper. Examiner respectfully disagrees. The claim is worded to refer to a blow dryer with a power cord and a hook grasping means. The claim does not clearly limit the invention to an integral power cord and hook grasping means.

5. Applicant argues on page 8 of said Amendment that Scivoletto does not teach a plurality of integral tethers, thereby rendering the rejection of claim 6 under 35 U.S.C. 103(a) improper. Examiner respectfully disagrees. Claim 6 does not limit the invention

to integral tethers. Furthermore, Vallis teaches a plurality of brush attachment means. The Scivoletto reference is only relied on to teach that substituting tethers for Vallis's plurality of attachment means would have been obvious to one of ordinary skill in the art.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Vallis.

8. Vallis discloses a blow dryer apparatus with an elongated handle 10 and extending head along a center line and a nozzle and air outlet port 14 directed perpendicularly from said center line. The apparatus also includes a rim and a brush attachment that covers the air outlet port. Note column 2, line 64- column 3, line 15 and Figure 3. Furthermore, the brush attachment has a flattened, curved outer surface and a semi-cylindrical base 1; supports a plurality of bristles 7 and 8; and forms a plurality of air dispersion orifices 4. These orifices are spaced to allow airflow between adjacent bristles. Note column 2, lines 11-20 and Figures 1 and 2.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vallis as applied to claim 1 above, and further in view of Weiss.

11. The apparatus disclosed by Vallis does not comprise a power cord or hook grasping means as claimed. However, Weiss discloses a similar apparatus, a hair dryer, that comprises both of these elements. Note column 2, lines 54-60; column 5, lines 30-32; and Figure 2. As the convenience of hanging small appliances from hooks and powering them with a power cord is common knowledge, and applying both to a hair dryer, in particular, is taught by Weiss, it would have been obvious to one of ordinary skill in the art to modify Vallis's blow dryer with Weiss's power cord and hook grasper.

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vallis as applied to claim 3 above, and further in view of Scivoletto.

13. The brush attachment means disclosed by Vallis does not comprise tethers as claimed. However, Scivoletto discloses a similar apparatus that does. Scivoletto's blow dryer attachment is attached with a tether, or elastic strap 28, designed to circumscribe the head of the blow drier. Note column 2, lines 56-61 and Figure 1. As the use of tethers in hair dryer attachment devices is taught by Scivoletto to produce a snug fit, it would have been obvious to one of ordinary skill in the art to achieve the

efficient drying of this snug fit by modifying Vallis's blow dryer attachment with Scivoletto's attachment means.

14. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallis as applied to claim 1 above, and further in view of Barr, Jr and Sampson.

15. While concavity is claimed, it is not seen in the disclosed wall mount. However, as can best be understood, while the blow dryer disclosed by Vallis does not comprise a wall mount as claimed, Barr discloses a similar apparatus that does. Barr's hair dryer caddy is a wall mount shaped to house a hair dryer and accessories, such as brushes. Note column 2, lines 38-50 and Figure 1. As caddies of this sort are convenient for organized storage and easy access, it would have been obvious to one of ordinary skill in the art to modify Vallis's apparatus with Barr's caddy. Furthermore, Sampson teaches a bathroom storage device with a rear surface 102 having a pair of blade contacts 112 for insertion into an electrical outlet. Note Figure 5. As Sampson teaches the convenience of using an electrical outlet for wall mounting, it would have been obvious to one of ordinary skill in the art to modify Barr's caddy with Sampson's blade contacts.

16. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vallis as applied to claim 1 above, and further in view of Braulke, III.

17. Vallis does not teach a spray element with a trigger formed integral to the directional head for providing fluid mist. However, in a similar hair drying apparatus Braulke, III teaches such a mechanism. Note column 3, lines 27-53; column 3, line 65-column 4, line 8 and Figures 3 and 5. As Braulke teaches the benefit of a spray bottle

for additional hair treatment in an apparatus such as that taught by Vallis, it would have been obvious to one of ordinary skill in the art to modify Vallis's hair dryer with Braulke, III's spray mechanism.

18. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vallis, Barr, Jr., Sampson, and Braulke, III as applied to claims 7 and 15 above.

19. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallis.

20. Vallis discloses the claimed invention except for the diameters. It would have been an obvious matter of design choice to vary the diameter of Vallis's apparatus, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

21. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallis.

22. Vallis discloses the claimed invention except for using wood as the material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make Vallis's brush out of wood, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Further, note that Depoyian teaches an similar attachable brush head made out of wood. See column 3, lines 46-49 and Figure 8.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathryn S. O'Malley whose telephone number is (703)308-2844. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (703)308-1935. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9302 for regular communications and (703)872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

KSO
January 16, 2003

Ira S. Lazarus
Supervisory Patent Examiner
Group 3700